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Attorney for Defendant
JORGE ORTIZ

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE ORTIZ,

Defendant.

Case No. CR 04-1239(A)-CAS

**REQUEST TO CORRECT ERROR IN
JUDGMENT AND COMMITMENT
ORDER AND AMEND THE
PRESENTENCE REPORT**

On November 16, 2009, this Court sentenced Jorge Ortiz to 125 months in custody.

Mr. Ortiz now respectfully requests the following pursuant to Fed. R. Crim. P. 36:

1. That the aliases of Jesus Camacho; Jose Jesus Camacho; Jesus Ortiz; Jesus Camacho Ortiz; Jose J. Camacho; Jesus Ortiz Camacho; Esteban Jesus Ortiz; Jose Jesus Camacheo; Esteban Ortiz; Mario Gonzalez; Mario Reyes; and monikers Toro and Coyote be removed from the Judgement and Commitment Order, where they appear at the top left corner of the first page directly below Defendant's true name, Jorge Ortiz;
2. That aliases Jesus Camacho; Jose Jesus Camacho; Jesus Ortiz; Jesus Camacho Ortiz; Jose J. Camacho; Jesus Ortiz Camacho; Esteban Jesus Ortiz; Jose Jesus Camacheo; Esteban Ortiz; Mario Gonzalez; Mario Reyes; and monikers Toro and Coyote be stricken from page 3 of Mr. Ortiz's Presentence Report (PSR);

1 3. That ¶¶ 62 and 63 be stricken from page 12 of the PSR.

2 This request is made so that aliases mistakenly attributed to Mr. Ortiz do not
3 adversely affect his Bureau of Prisons (BOP) security classification and designation. The
4 aliases in question arose when Mr. Ortiz was confused with his brother in a criminal record
5 check conducted in the preparation of a Presentence Report (PSR) disclosed on August 9,
6 2006. A final revised PSR disclosed on January 31, 2007 corrected the earlier errors with
7 regard to criminal history, but did not remove the listing of aliases contained in the original.¹
8 Thus, aliases belonging to Defendant Jorge Ortiz's brother, Jesus Ortiz (who was charged as
9 a co-defendant in this case but was acquitted in a jury trial), remained mistakenly attached to
10 Defendant Jorge Ortiz in both versions of the PSR. The incorrect "akas" listed in the Court's
11 Judgment and Commitment order of November 16, 2009 derive from this earlier error.

12 Mr. Ortiz is housed at FCI Allenwood Low in Pennsylvania. A Corrections Officer
13 explained to Mr. Ortiz that this designation was necessitated by an increase in his security
14 level precipitated by a outstanding warrants.² The warrants in question, described in the
15 PSR at ¶ 62 and ¶ 63, were attached to the aliases mistakenly attributed to Mr. Ortiz in the
16 PSR and the Commitment Order.

17 The Court will recall that Mr. Ortiz's mother, Antonia Camacho, is in failing health.
18 Mr. Ortiz has long been concerned that he will not be able to see his mother again outside
19 prison walls. Now he fears that his designation to a BOP facility on the East Coast will
20 mean he may not see her again at all. In addition, Mr. Ortiz's wife, Griselda Garcia, remains
21 dedicated to him and has visited him almost every day possible in the years he has been in
22 custody at MDC. The transfer to Pennsylvania has precluded Ms. Garcia's ability to
23 continue this pattern of regular and frequent visits.

24 At sentencing Mr. Ortiz requested that the Court recommend his designation to FCI
25 Terminal Island, the BOP facility most accessible to his family. He thanks the Court for
26

27 ¹ The aliases are listed on page 3 of both the original and revised versions of the PSR.

28 ² These warrants stems from pending charges listed at ¶¶ 62 and 63 of the PSR.

1 granting that request. He now requests the above-listed corrections in the hope that it will
2 lower his security rating and strengthen his case for placement as close to his family as
3 possible.

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5 DATED: April 14, 2010

Respectfully submitted,

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7 /s/
8 ALEX R. KESSEL
9 Attorney for Defendant
10 JORGE ORTIZ
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